

EXTRACTS FROM THE AMERICAN SLAVE CODE.

The following are mostly abridged selections from the statutes of the slave States and of the United States. They give but a faint view of the cruel oppression to which the slaves are subject, but a strong one enough, it is thought, to fill every honest heart with a deep abhorrence of the atrocious system. Most of the important provisions here cited, though placed under the name of only one state, prevail in nearly all the States, with slight variations in language, and some diversity in the penalties. The extracts have been made in part from Stroud's Sketch of the Slave Laws, but chiefly from authorized editions of the Statute books referred to, found in the Philadelphia Law Library. As the compiler has not had access to many of the later enactments of the several states, nearly all he has cited are acts of an earlier date than that of the present anti-slavery movement, so that their severity cannot be ascribed to its influence.

The cardinal principle of slavery, that the slave is not to be ranked among *sentient beings*, but among *things*—is an article of property—a chattel personal, obtains as undoubted law in all the Slave States.*—*Stroud's Sketch*, p. 22.

The dominion of the master is as unlimited, as is that which is tolerated by the laws of any civilized country, in relation to brute animals—to *quadrupeds*; to use the word of the civil law.—*Ib.* 24.

Slaves cannot even contract matrimony.†—*Ib.* 61.

LOUISIANA.—A slave is one who is in the power of his master, to whom he belongs. The master may sell him, dispose of his person, his industry and his labour; he can do nothing, possess nothing, nor acquire any thing but what must belong to his master.—*Civil Code*, Art. 35.

Slaves are incapable of inheriting or transmitting property.—*Civil Code*, Art. 945; also Art. 175, and *Code of Practice*, Art. 103.

Martin's Digest, act of June 7, 1806. Slaves shall always be reputed and considered real estate; shall be as such subject to be mortgaged, according to the rules prescribed by law, and they shall be seized and sold as real estate.—*Vol. I.* p. 612.

Dig. Stat. Sec. 13.—No owner of slaves shall hire his slaves to themselves, unless a penalty of \$25, for each offence.—*Vol. I.* p. 102.

Sect. 15.—No slave can possess any thing in his own right, or dispose of the produce of his own industry, without the consent of his master.—p. 103.

Sec. 16.—No slave can be party in a civil suit, or witness in a civil or criminal matter, against any white person, p. 103. *See also Civil Code*, Art. 117, p. 28.

Sec. 18.—A slave's subordination to his master is susceptible of no restriction, (except in what incites to crime,) and he owes to him and all his family, respect without bounds, and absolute obedience.—p. 103.

Sec. 25.—Every slave found on horseback, without a written permission from his master, shall receive twenty-five lashes.—p. 105.

Sec. 32.—Any freeholder may seize and correct any slave found absent from his usual place of work or residence, without some white person, and if the slave resist or try to escape, he may use arms, and if the slave assault‡ and strike him, he may kill the slave.—p. 108.

Sec. 35.—It is lawful to fire upon runaway negroes who are armed, and upon those who, when pursued, refuse to surrender.—p. 109.

Sec. 38.—No slave may buy, sell or exchange any kind of goods, or hold any boat, or bring up for his own use any horses or cattle, under a penalty of forfeiting the whole.—p. 110.

Sec. 7.—Slaves or free coloured persons are punished with *death* for wilfully burning or destroying any stack of produce or any building.—p. 115.

Sec. 15.—The punishment of a slave for striking a white person, shall be for the first and second offences at the discretion of the court,§ but not extending to life or limb, and for the third offence *death*; but for grievously wounding or mutilating a white person, *death* for the first offence; provided, if the blow or wound is given in defence of the person or *property of his master*, or the person having charge of him, he is entirely justified.

* In accordance with this doctrine, an act of Maryland, 1798, enumerates among articles of personal property, "slaves, working beasts, animals of any kind, stock, furniture, plate, and so forth."—*Ib.* 29.

† A slave is not admonished for incontinence, punished for adultery, nor prosecuted for bigamy.—*Attorney General of Maryland, Md. Rep.* Vol. I. 561.

‡ The legal meaning of assault is to offer to do personal violence.

§ A court for the trial of slaves consists of one Justice of the Peace and three freeholders, and the Justice and one freeholder, i. e. *one half of the court may convict, though the other two are for acquittal.*—*Martin's Dig.* I. 646.

Act of Feb. 22, 1824, Sec. 2.—A slave for wilfully striking his master or mistress, or the child of either, or his white overseer, so as to cause a bruise or shedding of blood, shall be punished with death.—p. 125.

Act of March 6, 1819.—Any person cutting or breaking any iron chain or collar used to prevent the escape of slaves, shall be fined not less than \$200 nor more than \$1000, and be imprisoned not more than two years nor less than six months.—p. 64 of the session.

MISSISSIPPI.—*Chapt. 92, Sec. 110.*—Penalty for any slave or free coloured person exercising the functions of a minister of the gospel, thirty-nine lashes; but any master may permit his slave to preach on his own premises, no slaves but his own being permitted to assemble.—*Digest of Stat.* p. 770.

Act of June 18, 1822, Sec. 21.—No negro or mulatto can be a witness in any case, except against negroes or mulattoes.—p. 749, *New Code*, 372.

Sec. 25. Any master licensing his slave to go at large and trade as a freeman, shall forfeit \$50 to the state for the literary fund.

Penalty for teaching a slave to read, imprisonment one year. For using language having a *tendency* to promote discontent among free coloured people, or insubordination among slaves, imprisonment at *hard labour*, not less than three, nor more than twenty-one years, or DEATH at the discretion of the court.—*L. M. Child's Appeal*, p. 70.

Sec. 26. It is *lawful* for any person, and the duty of every sheriff, deputy-sheriff, coroner and constable to apprehend any slave going at large, or hired out by him or herself, and take him or her before a Justice of the peace, who shall impose a penalty of not less than \$20, nor more than \$50 on the owner, who has permitted such slave to do so.

Sec. 32. Any negro or mulatto, for using abusive language, or lifting his hand in opposition to any white person (except in self defence against a wanton assault,) shall, on proof of the offence by oath of such person, receive such punishment as a justice of the peace may order, not exceeding 39 lashes.

Sec. 41. Forbids the holding of cattle, sheep or hogs by slaves, even with consent of the master, under penalty of forfeiture, half to the county and half to the *informer*.

Sec. 42. Forbids a slave keeping a dog, under a penalty of twenty-five stripes: and requires any master who permits it to pay a fine of \$5, and make good all damages done by such dog.

Sec. 43. Forbids slaves cultivating cotton for their own use, and imposing a fine of \$50 on the master or overseer who permits it.

Revised Code. Every negro or mulatto found in the State, not able to show himself entitled to freedom, may be sold as a slave, p. 359. The owner of any plantation, on which a slave comes without written leave from his master, and not on *lawful business*, may inflict ten lashes for every such offence. p. 371.

ALABAMA.—*Aiken's Digest.* Tit. *Slaves, &c.*, sec. 31. For attempting to teach any free coloured person, or slave, to spell, read or write; a fine of not less than \$250 nor more than \$500! p. 397.

Sec. 35 and 36. Any free coloured person found with slaves in a kitchen, out-house, or negro-quarter without a written permission from the master or overseer of said slaves, and any slave found without such permission, with a free negro on his premises, shall receive fifteen lashes for the first offence and thirty-nine for each subsequent offence; to be inflicted by master, overseer or member of any patrol company. p. 397.

Toulmin's Digest. No slave can be emancipated but by a *special act* of the Legislature, p. 623.

Act Jan. 1st, 1823. Authorizes an agent to be appointed by the Governor of the state, to sell for the benefit of the state, all persons of colour brought into the United States, and within the jurisdiction of Alabama, contrary to the laws of Congress prohibiting the slave trade. p. 643.

GEORGIA.—*Prince's Digest.* *Act Dec. 19, 1818.* Penalty for any free person of colour (except regularly articled seamen) coming into the state, a fine of \$100, and on failure of payment to be sold as a slave. p. 465.

Penalty for permitting a slave to labour or do business for himself, except on his master's premises, \$30 per week. p. 457.

No slave can be a party to any suit against a white man, except on claim of his freedom, and every coloured person is presumed to be a slave, unless he can prove himself free. p. 446.

Act Dec. 13, 1792. Forbids the assembling of negroes under pretence of divine worship, contrary to the act regulating patrols. p. 342. This act provides that any justice of the peace may disperse any assembly of slaves which may endanger the peace; and every slave found at such meeting shall receive, *without trial*, 25 stripes! p. 447.

Any person who sees more than seven men slaves without any white person, in a high road, may whip each slave twenty lashes. p. 454.

Any slave who harbours a runaway, may suffer punishment to any extent, not affecting life or limb. p. 452.

SOUTH CAROLINA.—*Brevard's Digest.* Slaves shall be deemed sold, taken, reputed and adjudged in law to be *chattels personal* in the hands of their owners, and possessors, and their executors, administrators, and assigns, to all intents, constructions and purposes whatever. Vol. ii., p. 229.

Act of 1740, in the preamble, states that “many owners of slaves and others that have the management of them do confine them so closely to hard labor that they have not sufficient time for natural rest,” and enacts that no slave shall be compelled to labour more than fifteen hours in the twenty-four, from March 26th to September 25th, or fourteen in the twenty-four for the rest of the year. Penalty, from £5 to 20. Vol. ii., p. 243.

[Yet in several of the slave states, the time of work for criminals whose punishment is hard labour, is eight hours a day for three months, nine hours for two months, and ten for the rest of the year.]

A slave endeavouring to entice another slave to run away, if provision be prepared for the purpose of aiding or abetting such endeavour, shall suffer *death*. p. 233 and 244.

Penalty for cruelly scalding or burning a slave, cutting out his tongue, putting out his eye, or depriving him of any limb, a fine of £100. For beating with a horse whip, cow-skin, switch or small stick, or putting irons on, or imprisoning a slave, *no penalty or prohibition*. p. 241.

Any person who, not having lawful authority to do so, shall beat a slave, so as to disable him from *working*, shall pay fifteen shillings a day, *to the owner*, for the slave's lost time, and the charge of his cure. p. 231 and 232.

A slave claiming his freedom may sue for it by some friend who will act as guardian, but if the action be judged groundless, said guardian shall pay *double* costs of suit, and such damages to the owner as the court may decide. p. 260.

Any assembly of slaves or free coloured persons in a secret or confined place, for mental instruction, (even if white persons are present,) is an unlawful meeting, and magistrates must disperse it, breaking doors if necessary, and may inflict *twenty lashes* upon each slave or coloured person present. p. 254 and 5.

Meetings for religious worship, before sunrise, or after 9 o'clock, P. M., unless a majority are white persons, are forbidden, and magistrates are required to disperse them. p. 261.

A slave who lets loose any boat from the place where the owner has fastened it, for the first offence shall receive 39 lashes, and for the second shall have one ear cut off. p. 228.

James's Digest. Penalty for killing a slave, on sudden heat or passion, or by undue correction, fine of \$500, and imprisonment not over 6 months. p. 392.

NORTH CAROLINA.—*Haywood's Manual.* Act of 1798, sect. 3. Enacts, that the killing of a slave shall be punished like that of a freeman; except in the case of a slave outlawed* or a slave offering to resist his master, or a slave dying under moderate correction. p. 530.

Act of 1799. Any slave set free, except for meritorious services, to be adjudged of by the county court, may be seized by any free holder, committed to jail, and sold to the highest bidder.† p. 525.

Patrols are not liable to the master for punishing his slave, unless their conduct clearly shows malice against the master. *Hawk's Reps.*, vol. i., p. 418.

TENNESSEE.—*Stat. Law*; chap. 57, sec. 1. Penalty on a master for hiring to any slave his own time, a fine of not less than \$1 nor more than \$2 a day, *half* to the informer. p. 679.

Chap. 2, sec. 102. No slave can be emancipated but on condition of immediately removing from the state, and the person emancipating shall give bond, in a sum equal to the slave's value, to have him removed. p. 279.

Laws of 1813. Chap. 35. In the trial of slaves, the sheriff chooses the court, which must consist of three Justices and twelve slaveholders to serve as jurors.

ARKANSAS.—*Rev. Stat.*, sect. 4. Requires the patrol to visit all places suspected of unlawful assemblages of slaves; and sect. 5 provides that any slave found at such assembly, or strolling about without a pass, shall receive any number of lashes, at the discretion of the patrol, not exceeding twenty. p. 604.

MISSOURI.—*Laws*, I. Any master may commit to jail, there to remain, at his pleasure, any slave who refuses to obey him or his overseer. p. 309.

Whether a slave claiming freedom, may even commence a suit for it, may depend on the decision of a single judge. *Stroud's Sketch*, p. 78, note which refers to Missouri laws I., 404.

KENTUCKY.—*Dig. of Stat.*, act Feb. 8, 1798, sec. 5. No coloured person may keep or carry gun, powder, shot, club or other weapon, on penalty of thirty-nine lashes, and forfeiting the weapon, which any person is authorized to take.

VIRGINIA.—*Rev. Code.* Any emancipated slave remaining in the state more than a year, may be sold by the overseers of the poor, for the benefit of the literary fund! Vol. I., p. 436.

Any slave or free coloured person found at any school for teaching, reading or writing, by day or night, may be whipped at the discretion of a Justice, not exceeding twenty lashes. p. 424.

Suppl. Rev. Code. Any white person assembling with slaves, for the purpose of teaching them to read or write, shall be fined, not less than 10 dollars, nor more than 100 dollars; or with free coloured persons, shall be fined not more than fifty dollars, and imprisoned not more than two months. p. 245.

By the revised code, seventy-one offences are punished with *Death*, when committed by slaves, and by nothing more than imprisonment when by the whites. *Stroud's Sketch*, p. 107.

* A slave may be outlawed when he runs away, conceals himself, and, to sustain his life, kills a hog or any animal of the cattle kind. *Haywood's Manual*, p. 521.

† In South Carolina, any person may seize such freed man and keep him as his property.

Rev. Code. In the trial of slaves, the court consists of five justices without juries, even in capital cases. I. p. 420.

MARYLAND.—*Stat. Law*, Sect. 8. Any slave for rambling in the night or riding horses by day without leave, or running away, may be punished by whipping, cropping or branding in the cheek, or otherwise, not rendering him unfit for labour. p. 237

Any slave convicted of petty treason, murder, or *wilful burning of dwelling houses*, may be sentenced to *have the right hand cut off, to be hanged in the usual manner, the head severed from the body, the body divided into four quarters, and the head and quarters set up in the most public place, in the county where such act was committed!* ! p. 190

Act 1717, chap. 13, sec. 5. Provides that any free coloured person marrying a slave, becomes a slave for life, except mulattoes born of white women.

DELAWARE.—*Laws*. More than six men slaves, meeting together, not belonging to one master, unless on lawful business of their owners, may be whipped to the extent of twenty one lashes each. p. 104.

UNITED STATES.—Constitution. The chief pro-slavery provisions of the constitution as is generally known, are 1st, that by virtue of which the slave states are represented in Congress for three-fifths of their slaves;* 2d, that requiring the giving up of any run away slaves to their masters; 3d, that pledging the physical force of the whole country to suppress insurrections, i. e., attempts to gain freedom by such means as the framers of the instrument themselves used.

Act of Feb. 12, 1793. Provides that any master or his agent may seize any person whom he claims as a “fugitive from service,” and take him before a judge of the U. S. court, or magistrate of the city or county where he is taken, and the magistrate, on proof, in support of the claim, to his satisfaction, must give the claimant a certificate authorizing the removal of such fugitive to the state he fled from.†

DISTRICT OF COLUMBIA. The act of Congress incorporating Washington city, gives the corporation power to prescribe the terms and condition on which free negroes and mulattoes may reside in the city. *City Laws*, 6 and 11. By this authority, the city in 1827, enacted that any free coloured person coming there to reside, should give the Mayor satisfactory evidence of his freedom, and enter into bond with two free hold sureties, in the sum of 500 dollars, for his good conduct, to be renewed each year for three years; or failing to do so, must leave the city, or be committed to the work house, for not more than one year, and if he still refuses to go, may be again committed for the same period, and so on. *Ib.* 198.

Coloured persons residing in the city, who cannot prove their title to freedom, shall be imprisoned as absconding slaves. *Ib.* 198.

Coloured persons found without free papers may be arrested as runaway slaves, and after two months notice, if no claimant appear, must be advertised ten days, and sold to pay their jail fees.‡ *Stroud*, 85, note.

The city of Washington grants a license, to *trade in slaves*, for profit, as agent or otherwise, for 400 dollars. *City Laws*, p. 249.

*By the operation of this provision, twelve slaveholding States, whose white population only equals that of New York and Ohio, send to Congress 24 Senators and 102 Representatives, while these two States only send 4 Senators and 59 Representatives.

†Thus it may be seen that a man may be doomed to slavery by an authority not considered sufficient to settle a claim of twenty dollars.

‡The prisons of the district, built with the money of the nation, are used as slave houses of the slaveholders’ human merchandise. “From the statement of a keeper of a jail in Washington, it appears that in five years, upwards of 450 coloured persons were committed to the national prison in that city, for safe keeping; i. e. until they could be disposed of in the course of the *slave trade*, besides nearly 300 who had been taken up as runaways.” *Miner’s speech in H. Rep.* in 1829.

Reader, you uphold these laws while you do nothing for their repeal. You can do much. You can take and read the anti-slavery journals.* They will give you an impartial history of the cause, and arguments with which to convert its enemies. You can countenance and aid those who are laboring for its promotion. You can petition against slavery; can refuse to vote for slaveholders or pro-slavery men, constitutions and compacts; can abstain from products of slave labor; and can use your social influence to spread right principles and awaken a right feeling. Be as earnest for freedom as its foes are for slavery, and you can diffuse an anti-slavery sentiment through your whole neighborhood, and merit “the blessing of them that are ready to perish.”

 So great a demand has been made for this tract that an additional number of 10,000 copies is published. It can be had gratis at the Anti-Slavery Office, 31 North Fifth street. They are too precious to be destroyed. Read and circulate them.

*The Pa. Freeman, National A. S. Standard and Liberator can be had at 31 N. Fifth st. Philad.